C2175-1 9/28/82

CHRONICLE of Higher Education

September 22, 1982 • $1.25
Volume XXV, Number 4

News Summary

Articles on inside pages

Yale University has announced a new policy designed to discourage fraud in research. Story on Page 3.

To improve engineering schools' teaching of manufacturing techniques, the International Business Machines Corporation has announced it will award universities $50-million. Story on Page 2.

Introductory sociology courses typically are "superficial, unscientific, unduly eclectic, [and] moralistic," says one critic. Story on Page 6.

About 1 million students will receive increased aid as a result of the final passage by Congress of a supplemental appropriations bill. Story on Page 7.

The dean of the University of Illinois College of Agriculture, Orville G. Bentley, has been nominated for the top science-and-education post in the Department of Agriculture. Story on Page 7.

Colleges and universities would lose their exemption from federal regulations governing the disposal of hazardous wastes under a bill passed by the House of Representatives. Story on Page 7.

More than half of the colleges and universities with big-time football programs who responded to a survey reported that their athletic programs paid their own way in 1980-81. Story on Page 9.

Virginia has submitted a revised plan for desegregating its public colleges and universities, and Louisiana has sidestepped an obstacle to its plan. Story on Page 8.

Enrollment in Polish universities is down, and some observers link this to the recent arrests of demonstrators at rallies in support of Solidarity, the independent trade union. Story on Page 17.

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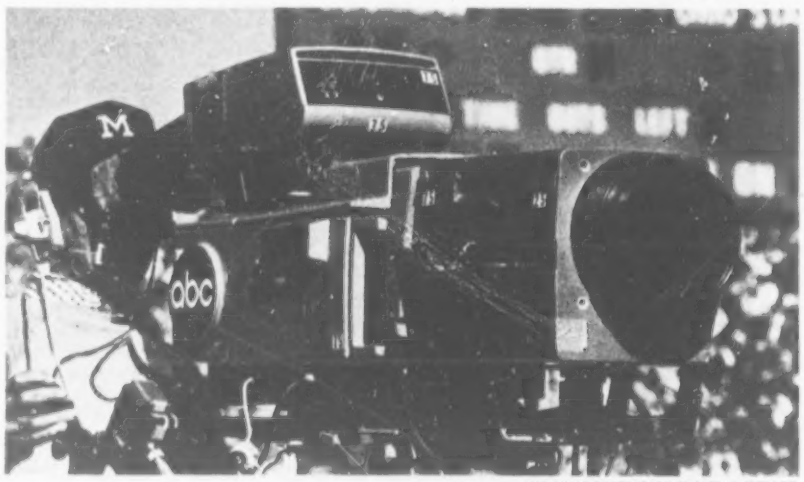
Judge Rules NCAA Television Pacts Violate Antitrust Law, Says Colleges Own TV Rights



CHRONICLE PHOTOGRAPH BY JOHN C. PHILLIPS

"It is unthinkable . . . to allow N.C.A.A. any further profit from its anticompetitive activities," said U.S. District Judge Juan Burciaga in striking down the association's $281-million television contracts.

Calls the association 'a classic cartel'

By N. SCOTT VANCE

A federal judge has cast a cloud of uncertainty over the future of televised college football, striking down the National Collegiate Athletic Association's three television contracts as violations of antitrust law.

The N.C.A.A. promptly sought a stay of the order, which it is certain to appeal. The three television networks concerned proceeded with plans to televise last weekend's games.

Excerpts from the judge's opinion in the case challenging the N.C.A.A.'s control over football telecasts begin on Page 10.

The decision was a victory for the Universities of Georgia and Oklahoma, which had sued the N.C.A.A. for the right to make their own television arrangements.

In striking down the $281-million television contracts, U.S. District Judge Juan Burciaga called the N.C.A.A. a "classic cartel," wielding "an almost absolute control over the supply of college football."

"The right to telecast college football games," Judge Burciaga said, "is the property of the institutions participating in the games, and can be sold or assigned by those institutions to any entity at their discretion."

He also denied the N.C.A.A.'s claim that it had no monopoly over televising college football because it was a voluntary association.

If institutions choose to join the N.C.A.A., the association argued, they are agreeing to submit to N.C.A.A. television controls.

While N.C.A.A. membership is theoretically voluntary, the judge said, "it is clear . . . that an institution which withdraws or is expelled from the N.C.A.A. could no

Continued on Page 10, Column 1

Hospital at American U. of Beirut: 'Lifeline' for City Under Siege

By PAUL DESRUISSEAUX

BEIRUT, LEBANON

A handsome date book, bound in leather, with colored ribbons to help mark the passage of time and engraved plates to separate the seasons, sits at the center of the well-ordered desk of Sameer I. Shehadi, chief of surgery at the American University Hospital in Beirut. Its entries, in a fine Arabic hand, record appointments to be kept, surgery to be performed, operations to be supervised. There are never very many on any given day—"Most of my work is administrative," the physician says, "and I'm usually here to meet with people as needed." But a look back over the pages of the recent past reveals that there were days, then weeks, and finally months when there were no entries at all. Except for a carefully crossed x on this day or that, the pages are blank.

Days of Bombing

The x's, Dr. Shehadi explains, mark the days when Israeli bombs were dropped in the vicinity of the hospital, which is located in the war-torn western section of Beirut. The empty pages represent the three months of Israel's invasion of Lebanon and siege of Beirut, during which Dr. Shehadi and his colleagues were far too busy to make or keep appointments or conduct business as usual. For while the university hospital was never bombed, it was continually assaulted by wave upon wave of wounded humanity, all in need of emergency medical attention, and all receiving it.

"We were treating everybody who came in," Dr. Shehadi says. "We didn't know if they were civilians or fighting men; we didn't have time to find out, and we really didn't care. We never turned down a single patient, and there were times when we had a large number of casualties admitted in a very short span of time. I remember one day when there was a big explosion at a

Continued on Page 18, Column 1

PHOTOGRAPH FOR THE CHRONICLE
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Sameer I. Shehadi: "We never turned down a single patient. . . . It was often completely chaotic, but we managed."

Kuhn: 20 Years of 'Revolutions'

Thomas Kuhn's *The Structure of Scientific Revolutions*, first published 20 years ago, is a book of large and controversial insights about the practice of science—insights whose influence has been felt in virtually every academic discipline. The book is remarkable for the number of scholars who have written about it, fought over it, or borrowed from it.

An article about Thomas Kuhn begins on Page 21.

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Television Rights Continued from Page 1

longer operate a fully rounded intercollegiate athletic program."

Judge Burciaga said he would not delay canceling the N.C.A.A. contracts, even though he acknowledged that many institutions had spent money and made budgetary decisions in anticipation of making TV appearances under the contract.

"It is unthinkable, in the view of the court, to allow N.C.A.A. any further profit from its anticompetitive activities."

If the judge's ruling is sustained on appeal, the system for determining which college football games are to be televised and how much the institutions will be paid is certain to be altered. How big a change will be necessary is already a topic of much speculation among lawyers and college administrators.

Some saw the decision as devastating to colleges as well as to the N.C.A.A.

Others, noting that the court said institutions could assign the rights to televise their football games as long as they acted voluntarily, said the long-range effect of the ruling could be slight.

Many speculated that, if the ruling stands, athletic conferences will negotiate individual television contracts for their members.

No Comment from Networks

Spokesmen for ABC-TV, CBS-TV, and the Turner Broadcasting System would not comment on the ruling or on the networks' plans for televising college football. They said that, for the time being, they would continue with plans to televise several games each Saturday.

The ruling was the latest step in a two-year fight within the N.C.A.A. over who should control the revenues from televising college football—the N.C.A.A. itself or universities with powerful football programs.

Since 1952, the N.C.A.A. has negotiated football broadcasting contracts with television networks and has limited the number of times an institution, even a powerhouse, could appear on the screen. Without those limits, the association argued, relatively few less powerful teams would ever make television appearances.

The N.C.A.A. has fiercely defended its control over football television.

When the College Football Association—a group of 61 major football powers—last year negotiated its own, rival TV contract for football, C.F.A. members said they had been threatened with sanctions by the N.C.A.A. The contract was defeated by a vote of C.F.A. members.

And at the N.C.A.A.'s national convention in January, the membership voted overwhelmingly to affirm the N.C.A.A.'s right to control the televising of member institutions' football teams.

The N.C.A.A. won one court challenge to its television arrangements last month in a lawsuit brought by the University of Texas at Austin. The university had sued the N.C.A.A. in a Texas state court but on different legal grounds from the those in the Georgia-Oklahoma suit.

There was wide disagreement on exactly what the ruling means and who will benefit from it.

"It'll be chaos," said David Cawood, a spokesman for the N.C.A.A. Many institutions have counted on television appearances under the contract, or on receiving a share of the revenues when other members of their athletic conferences appear, he said.

"That loss of anticipated income could require some institutions to discontinue their football programs and could severely hurt their other athletic programs," he said.

If upheld, he said, the ruling could well start a long process of deterioration of college football, which, he warned, could result in "about 15 teams" dominating televised football."

Mr. Cawood said the ruling would take the teeth out of the N.C.A.A.'s rules-enforcement program, since in the past the biggest penalty it could assess for recruiting or other abuses was to keep an institution off television.

The ruling would not seriously hurt the N.C.A.A. financially, he said. About 7 per cent of the N.C.A.A.'s annual operating budget next year will come from television revenues, with most of that derived from televising basketball championships, the control of which was not at issue.

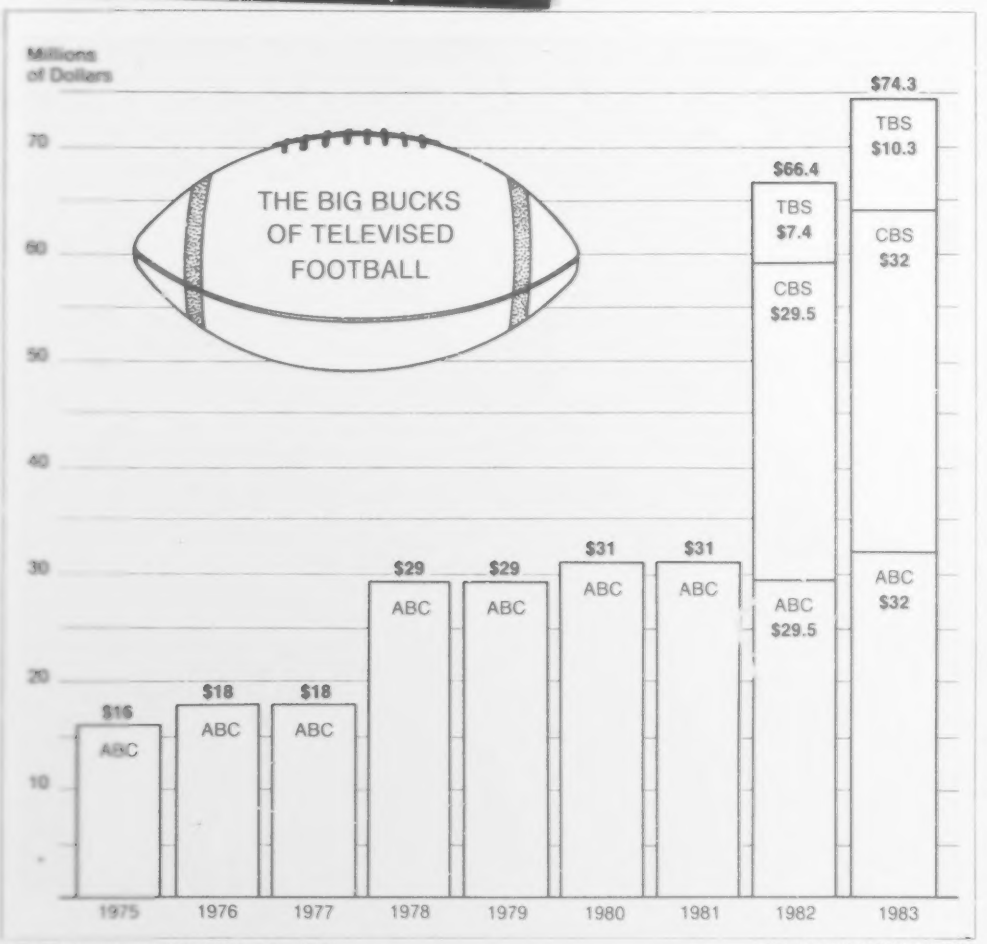
"We're very pleased that the court recognizes the fundamental importance of each institution's property rights," said J. R. Morris, Oklahoma's acting president. "I don't know precisely what ought to happen now," he said. He suggested that some new procedure for regulating college football would have to be developed to give institutions more control over televising their teams.

Charles M. Neinas, executive director of the C.F.A., called the ruling "a complete vindication" of what his organization has been fighting for. He emphasized that the C.F.A. favored some form of control over televising football, but one that gave institutions more control.

Others, however, including some C.F.A. members, said that if the decision stands college football would suffer irreparably.

"The decision means the rich get richer and the poor can go to hell," said Donald Combs, athletic director at Eastern Kentucky University, a member of the N.C.A.A.'s Division I-AA, the "second class" of football teams.

Albert Witte, board member of the C.F.A. and the University of Arkansas's faculty representative to the N.C.A.A., also decried the ruling. "We're not happy about the result of this. There would be very few institutions that will prosper" if the decision stands and universities or conferences are turned loose to negotiate their own contracts, he said.



SOURCE: NATIONAL COLLEGIATE ATHLETIC ASSOCIATION — CHRONICLE CHART BY TYLER YOUNG

The size of the National Collegiate Athletic Association's TV contracts has grown dramatically, largely because two networks, CBS and Turner Broadcasting, were added this year.

Excerpts from Ruling on Television Rights for College Football Games

OKLAHOMA CITY

Following are excerpts from U.S. District Judge Juan C. Burciaga's opinion in the case of the Board of Regents of the University of Oklahoma and the University of Georgia Athletic Association v. National Collegiate Athletic Association.

It can be said with certainty that the prices which have been paid in the past to participating schools for the right to televise any particular game do not even resemble the prices which would have been paid were it not for the N.C.A.A. controls. It is quite obvious that were it not for the N.C.A.A. controls, no network decisionmaker would even consider offering the same price to the schools involved in last fall's Oklahoma-U.S.C. and Citadel-Appalachian State games. Even the defendant's witnesses had to agree that a free market mechanism most certainly would not have resulted in the uniform price paid for each and every game broadcast under past N.C.A.A. contracts with the networks. The evidence is clear that N.C.A.A. controlled the price to be paid to participating teams, and made it impossible for the teams to negotiate any higher price by restricting dealings to a single network.

The evidence is also clear that some teams would have received larger fees were they allowed to negotiate with any and all potential broadcasters. At the same time, the testimony made clear that many of the smaller schools would not have received as much as they did under the N.C.A.A. plans if they were forced to compete in a free market.

While the N.C.A.A. protests that these features have been eliminated by the new dual-network contracts, it is clear that they have not. As discussed above, a maximum of one game each week may allow the participating schools to engage the networks in true negotiations. However, after the network having the right of first choice on any given date has made its agreement with the teams playing the most attractive game of the week, the other schools are left in the same position as they were under previous contracts. They will be selling in a market where there is only one eligible buyer. They will be unable to use the bargaining leverage which would be available if they could sell the rights to the game to other broadcasters. Further, this monopsony situation is aggravated by the limitations on the number of times a school can appear on a given network over a two-year period. Suppose Georgia appears on ABC three times during one year, two national broadcasts and one regional. Under the current contracts and the "ground rules" accompanying them, during the following year Georgia could only appear, if at all, on CBS. This is because Georgia is limited to six appearances over a two-year period, and these six are to be equally divided between the networks. During the second year, ABC would not be allowed to televise a Georgia game. Georgia would then be forced to appear only on CBS. Georgia would have no bargaining leverage to negotiate a larger-than-average rights fee, since it could not threaten CBS with selling the rights to ABC. Thus, while the new contracts may appear, at first blush, to alleviate these features of past N.C.A.A. contracts, in fact they do not. The setting of a minimum aggregate fee, in combination with the "ground rules" restricting competition between the networks and the limitations on each team's appearances, only perpetuate the monopsony situation which N.C.A.A. has created.

* * *

The plaintiff also urges that N.C.A.A. has acted to place a horizontal limit on production. That is, by making agreements with the networks for exclusive national television rights and placing severe restrictions on local broadcasts of college football, N.C.A.A. has agreed to limit production of televised college football. It is clear from the evidence that were it not for the N.C.A.A. controls, many more college football games would be televised. This is particularly true at the local level. Because of N.C.A.A. controls, local stations are often unable to televise games which they would like to, even when the games are not being televised at the network level. The circumstances which would allow so-called exception telecasts arise infrequently for many schools, and the evidence is clear that local broadcasts of college football would occur far more frequently were it not for the N.C.A.A. controls.

This is not a surprising result. Indeed, this horizontal agreement to limit the availability of games to potential broadcasters is the very essence of N.C.A.A.'s agreements with the networks. The evidence establishes the fact that the networks are actually paying the large fees because the N.C.A.A. agrees to limit production. If the N.C.A.A. would not agree to limit production, the networks would not pay so large a fee. Because N.C.A.A. limits production, the networks need not fear that their broadcasts will have to compete head-to-head with other college football telecasts, either on the other networks or on various local stations. Therefore, the Court concludes that the membership of N.C.A.A. has agreed to limit production to a level far below that which would occur in a free market situation.

The evidence is also clear that the N.C.A.A. plan has many of the characteristics of a group boycott. There are two different ways in which

Continued on Page 12, Column 1

Side-lines

A long tradition of leadership is being renewed at Brigham Young University this fall. The starting quarterback on the football team is Steve Young, a great-great-great-grandson of the man who led the Mormons to Utah and for whom the university is named.

▪

Another old tradition was broken this fall when the University of Minnesota's Golden Gophers moved their home football games to the new Hubert H. Humphrey Metrodome in Minneapolis, thus becoming the only Big 10 team to play all its home games indoors.

The move from the university's Memorial Stadium—known as the Old Brickhouse—after nearly 60 years of Saturday-afternoon football there means the end of games played in the often-Arctic cold or snow of late fall in Minnesota.

While some fans have bemoaned the loss of yet another collegiate tradition, university officials noted that this year's opening game drew more than 56,000 people, 16,000 more than last year's opener.

Further, the move will enable the Gophers to play several games at night, and season-ticket sales are running some 40 per cent higher than a year ago.

▪

Ferdinand Marcos, President of the Philippines, is an avid sportsman. When he became President, it is said, he retained the portfolio of Minister of Sport because of his own great interest. He also retained Thomas Rosandich, now president of the U.S. Sports Academy, to advise him on sports matters. This week, during his visit to the United States, Mr. Marcos will visit the Sports Academy in Mobile, Ala., where he will receive an honorary degree, Doctor of Sports Science.

▪

What is sport? In case you've wondered, Norman K. Denzin, a sociologist at the University of Illinois, offered this definition in a paper presented to a session on the sociology of sport at this year's meeting of the American Sociological Association:

"Sport is . . . but one instance of a learned, coached, emergent, yet articulated sequence of conduct that intertwines more than one body and mind through time and space within a rule-governed arena of meaningful experience."

▪

Two additional drugs have been banned by the International Olympic Committee. The committee maintains a list of more than 50 prohibited "foreign substances" and "physiological substances" designed to artificially increase performance by athletes. Just added to the list: caffeine and the male hormone testosterone.

Irving Dardik, chairman of the U.S. Olympic Committee's sports-medicine council, said an unpublished survey conducted after the 1980 games in Moscow indicated that a majority of the athletes tested had used one substance or the other.

Athletics

NCAA Members Increase Athletic Budgets by 75 Pct. in 4 Years, Study Finds

MISSION, KAN.

Despite big increases in costs over the past four years, more than half the colleges and universities with big-time football teams have athletic programs that pay their own way, according to the National Collegiate Athletic Association.

Deficits are increasing, however, at institutions with smaller athletic programs, the N.C.A.A. reported.

A new financial analysis of intercollegiate athletics conducted for the association indicated that, altogether, the N.C.A.A.'s member institutions spent more than $770,040,000 on their athletic programs in 1980-81, an increase of 75 per cent since a similar study was conducted four years earlier.

At the same time, N.C.A.A. members took in an estimated $717,849,000 in revenues, a 92-per-cent increase in four years.

Mitchell A. Raiborn, a professor of accounting at Bradley University who conducted the study for the association, noted that institutions in the N.C.A.A.'s Division I—universities with the top sports teams—accounted for the lion's share of both revenues and expenses. They spent a total of $606,441,000, while their revenues were $634,117,000.

$2.4-Million 'Profit' Reported

Some 60 per cent of the universities with Division I football teams reported an excess of revenues over expenses. The average of such "profits" was $616,000, Mr. Raiborn said, but 44 per cent of the institutions reported profits of $300,000 or less.

One unidentified institution, however, reported revenues of $2,400,000 more than its expenses.

The average operating deficits of colleges in other classifications in the study showed "significant increases over the four-year period," Mr. Raiborn said. Those other classifications include institutions in the N.C.A.A.'s Divisions II and III and Division I institutions with small football programs or none at all.

Mr. Raiborn noted a continued increase in money from what he called "unearned-revenue" sources—student assessments, contributions, and the government. In his 1977 study, those sources accounted for 14 per cent of the revenues from athletics at big-time-football institutions. This year, even with a 92-per-cent increase in income, their share rose to 17 per cent of total revenues.

Average Revenues and Expenses of Intercollegiate Athletic Programs, 1980-81

Type of institution	Men's programs		Women's programs	
	Revenue	Expenses	Revenue	Expenses
Division I in football	$3,391,000	$3,243,000	$124,000	$392,000
Division II in football	248,000	392,000	19,000	101,000
Division III in football	56,000	249,000	7,000	48,000
Division I with no football	476,000	631,000	44,000	188,000
Division II with no football	102,000	232,000	27,000	72,000
Division III with no football	30,000	144,000	15,000	37,000

SOURCE: NATIONAL COLLEGIATE ATHLETIC ASSOCIATION

Cost of Women's Programs Cited

Virtually all of the Division I universities with major football teams reported that increased expenses were "having a serious impact on athletics and methods are needed to control those expenses."

The expansion of women's athletic programs was cited by the universities as the most significant factor in increased expenses.

The cost of the women's programs, while still significantly less than the cost of men's programs, increased 143 per cent in four years at Division I football institutions.

Other reasons for increased expenses cited by universities were:

▶ Higher costs for grants-in-aid to athletes.

▶ The addition of new sports.

▶ Higher salaries for coaches and other personnel.

▶ Higher cost of recruiting athletes.

Other findings from Mr. Raiborn's study:

▶ Income from student assessments, contributions, and the government increased as a percentage of total revenue at all institutions except Division III colleges with football teams.

▶ At institutions with no football programs, income from student assessments, contributions, and the government doubled in the past four years.

▶ Expenses that could not be attributed to a specific sport grew from 27 per cent of budgets in 1977 to 35 per cent in 1981.

▶ Grants-in-aid and salaries accounted for from 46 per cent to 57 per cent of total expenses.

▶ Grants-in-aid appear to be declining as a percentage of total costs, but salaries and travel expenses are increasing.

▶ Fewer full grants-in-aid are available; more partial grants are being given by institutions.

Mr. Raiborn sent questionnaires to all 753 member institutions of the N.C.A.A. He received usable responses from 41 per cent of them, roughly in proportion to the six classifications he used.

The N.C.A.A. published the results of similar studies in 1970 and 1978. It now sponsors an analysis of the finances of athletic departments every four years.

The new report, *Revenues and Expenses of Intercollegiate Athletics*, will be sent later this month to the chief executive officers, athletic directors, faculty athletic representatives, and primary women's athletic administrators at N.C.A.A. institutions. Additional copies may be purchased from the N.C.A.A., Mission, Kan. 66201. The price is $3 for members and $6 for nonmembers.

—JOHN A. CROWL

Notes on Sports

U. of Cincinnati Battles NCAA to Retain Top Football Status

An emergency court order has stopped the National Collegiate Athletic Association from demoting the University of Cincinnati's football program from Division I-A, the top category, to Division I-AA. An Ohio judge will hear arguments this week on whether to extend the restraining order pending a trial.

Cincinnati says the N.C.A.A. council "arbitrarily and capriciously" twisted the association's bylaws to bring about the demotion. The university says the N.C.A.A. was trying to placate the College Football Association, 61 major powers on the gridiron that have been pressuring the N.C.A.A. for a more exclusive top division.

Last year the N.C.A.A. voted to tighten the eligibility requirements for Division I-A, after the C.F.A. threatened to negotiate its own TV contract. Those new requirements have reduced the number of Division I-A members from 137 last year to 97 this year—or to 96 if Cincinnati loses its bid to keep I-A status. The university told the court that dropping to I-AA would reduce its chances of appearing on television and make it difficult to recruit top athletes and solicit donations.

Rogers Sets Up Endowment at U. of South Carolina

George Rogers, who won the 1980 Heisman Trophy while at the University of South Carolina, has set up a six-figure endowment for scholarships at his alma mater.

The endowment, the amount of which was not disclosed, will provide $1,000 scholarships based on financial need and potential for academic achievement.

Hans Knoop, a university spokesman, said Mr. Rogers had approached the university about setting up the endowment a year ago, well before he admitted this past July that he was a former cocaine user.

"It should be pointed out that setting up the endowment is not the result of that controversy," Mr. Knoop said.

Mr. Rogers is a running back for the New Orleans Saints.

He was the National Football League's

Continued on Page 16, Column 2

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Excerpts Continued from Page 10

N.C.A.A.'s cartel-like behavior works as a group boycott. First, by granting exclusive rights to certain networks for televising college football, the N.C.A.A. essentially agrees not to bargain or make its product available to other broadcasters. If an N.C.A.A. school were to make an agreement with a broadcaster which did not comport with the N.C.A.A. plan, very severe penalties could be inflicted on the offending school under N.C.A.A.'s rules. Thus, the schools do not stray from N.C.A.A. plan, as can be seen from the events which transpired when C.F.A. attempted to negotiate its own contract with NBC. The veiled threats which came from N.C.A.A. officials and N.C.A.A.'s entire course of conduct constituted classic cartel behavior.

This leads directly to the second aspect of the group boycott allegation. If a member school were to defy the N.C.A.A. and make its product available to all potential buyers on an equal basis, that school would itself be made subject to a group boycott. This aspect of the group boycott operates in the following way. Unlike many industries, college football requires the cooperation of two producers in order to create their product. That is, two schools must stage a game; one school could not stage a football game by itself, at least not a game which would attract the kind of attention which N.C.A.A. football now attracts. If a member school strayed from the N.C.A.A. plan, it would be subject to very severe sanctions from the N.C.A.A. Among the sanctions available would be expulsion from N.C.A.A. Since N.C.A.A. members are prohibited from playing televised football games with non-N.C.A.A. members, the expelled school would be unable to produce its product. Such a situation would clearly constitute an agreement among N.C.A.A. members to boycott the school which strays from the N.C.A.A. Football Television Plan.

The N.C.A.A. offers several justifications for its policies. The principal argument relied upon by the N.C.A.A. is that it is attempting to protect the gate attendance of member institutions. The evidence does not support that contention.

* * *

It is also suggested by N.C.A.A. that the controls help preserve a competitive balance among the football programs of the various schools. Again, the argument must fail. N.C.A.A. has failed to show why this competitive balance cannot be maintained without N.C.A.A. acting as the exclusive bargaining agent for its members in matters of football television. Several witnesses testified to a vague belief that the entire program of controls is necessary, but not one witness could give a credible, factually-supported explanation as to why that is so. Even the executive officers of the N.C.A.A. could not explain why it is necessary for N.C.A.A. to act as the exclusive agent. If the N.C.A.A. is seeking to improve the competitive position of smaller schools seeking television revenues, it has done so in a way which inhibits, if not destroys, the effect of free market mechanisms on the price paid to teams appearing on television.

If the N.C.A.A. is seeking to improve competition on the football field, it has chosen a much too far-reaching manner of doing so. The N.C.A.A. regulations on recruitment, the limitations on the number of scholarships each team may award, and the other standards for preserving amateurism found in N.C.A.A. legislation are sufficient to achieve this goal. Rather than relying on the N.C.A.A. to improve their competitive position by restraining competition, the schools can and should compete on their own and improve their position in that way.

* * *

N.C.A.A. urges that the controls were adopted because of a genuine concern among N.C.A.A. members that college football television would reduce gate attendance. Therefore, there was no intent to violate the antitrust laws, and there is still no such intent, according to N.C.A.A. However, the Court is persuaded that N.C.A.A. has been well aware of the vulnerability of its football controls to attack under the anti-trust laws for some time. In 1976, Executive Director Walter Byers admonished a subordinate to not use the word "set" in describing the Television Committee's activities regarding rights fees for individual games. The word "recommended" was substituted. Byers sought to explain his action as an innocent correction of a subordinate's choice of inaccurate language. However, the Court views this incident as as attempt to conceal N.C.A.A.'s power to fix the price of college football games.

* * *

The Court concludes that the N.C.A.A. controls over college football make N.C.A.A. a classic cartel. This cartel has an almost absolute control over the supply of college football which is made available to the networks, to television advertisers, and ultimately to the viewing public. Like all other cartels, N.C.A.A. members have sought and achieved a price for their product which is, in most instances, artificially high. The N.C.A.A. cartel imposes production limits on its members, and maintains mechanisms for punishing cartel members who seek to stray from these production quotas. The cartel has established a uniform price for the products of each of the member producers, with no regard for the differing quality of these products or the consumer demand for these various products.

Like all cartels, N.C.A.A. seeks to regulate the distribution of revenues to the cartel members. The distribution of football television revenues under the N.C.A.A. program in no way resembles the distribution to be expected in a free market. Like all cartels, N.C.A.A., the umbrella under which the cartel has formed, takes for itself a sizable cut of the revenues from the cartelized product.

Finally, the internal wranglings among N.C.A.A. members strongly resemble classic cartel infighting. The many less prominent schools seek to expand their football revenues beyond what they would receive in a noncartelized market. As in all cartels, these artificially high revenues must, at some point, be derived at the expense of more prominent cartel members. The N.C.A.A.'s attempts to placate the prominent producers, such as Georgia and Oklahoma, have failed. These plaintiffs and others whose superior competitive practices have earned them prominence in the sport of college football wish to no longer suffer the economic injury visited upon them by the less prominent members of the cartel.

Most cartels ultimately fall because of a healthy self-interest among the producers whose competitive ability has earned them prominence in the market. The N.C.A.A. football television cartel in no different.

* * *

The Court has no difficulty in concluding that N.C.A.A. has organized a group boycott. Indeed, it is the ultimate group boycott, far more powerful and effective than those in the cases discussed above. There is an absolute refusal to deal with all of the major competitors of ABC, CBS, and TBS. Broadcasters like NBC, the Hughes Sports Network, Metro-Media and TVS cannot buy N.C.A.A. football for network broadcast. Cablecasters such as the ESPN and USA networks cannot buy N.C.A.A. football for cablecast. There are no exceptions. The producers of college football have horizontally agreed that they will refuse to deal with these buyers. The existence of a group boycott could not be more clear.

The existence of a group boycott against horizontal competitors of N.C.A.A. members is also clear. The nonmember of N.C.A.A. which wishes to sell its football games for television is subjected to a boycott. N.C.A.A. members are in a more powerful position than any of the combinations described above. N.C.A.A. members dominate the college football television market. The amount of college football televised outside of the N.C.A.A. contracts with the networks is minimal. N.C.A.A. members will not play televised games against nonmembers. They have the power to withhold from their competitors a key ingredient of the product. There is no doubt that N.C.A.A. has organized a group boycott, enforced the rules of that boycott, and employed threats and coercion to maintain the boycott.

Thus, the existence of a group boycott is clear from the evidence. However, N.C.A.A. asserts that the plaintiffs do not have standing to litigate the issue of whether N.C.A.A. members have organized a boycott against broadcasters and cablecasters other than ABC, CBS, and TBS. Further, N.C.A.A. argues that, as to the N.C.A.A. boycott against nonmember horizontal competitors, there is no case or controversy since both Oklahoma and Georgia are members of N.C.A.A. and are not subjected to the boycott. Both the case or controversy and the standing requirements are met in this case. The plaintiffs are themselves injured by the boycott against the competitors of ABC, CBS, and TBS. If the defendant had not commandeered the plaintiffs' right to sell to whomever they pleased, the plaintiffs would have received greater rights fees. Because of the boycott, they are unable to sell to the highest bidder, and therefore realized less income than they would if the boycott did not exist. This is certainly the sort of antitrust injury which the Sherman Act was meant to prevent, and for which the Clayton Act provides remedies. The plaintiffs have proved the existence of a group boycott, and the Court holds that this

FACT–FILE

How Often College Football Teams Have Been on NCAA Telecasts, Through the 1981 Season

	National	Regional	Total
U. of Alabama	29	15	44
Alcorn St. U.	0	2	2
Appalachian St. U.	0	4	4
U. of Arizona	0	13	13
Arizona St. U.	2	13	15
U. of Arkansas	18	24	42
Arkansas St. U.	0	2	2
Auburn U.	8	13	21
Baylor U.	2	15	17
Boise St. U.	0	1	1
Boston C.	3	9	12
Boston U.	0	2	2
Bowling Green St. U.	0	3	3
Brigham Young U.	2	18	20
Brown U.	0	10	10
U. of California			
Berkeley	7	21	28
Los Angeles	30	19	49
Central Michigan U.	0	7	7
U. of Cincinnati	0	2	2
Citadel Military C.	0	3	3
Clemson U.	0	15	15
Colgate U.	0	4	4
U. of Colorado	4	16	20
Colorado St. U.	0	8	8
Columbia U.	1	1	2
U. of Connecticut	0	1	1
Cornell U.	1	10	11
Dartmouth C.	1	15	16
U. of Dayton	0	1	1
U. of Denver *	0	1	1
Drake U.	0	1	1
Duke U.	6	13	19
E. Carolina U.	0	5	5
E. Kentucky U.	0	1	1
Fisk U.	0	1	1
U. of Florida	7	19	26
Florida A&M U.	0	1	1
Florida St. U.	3	15	18
Fort Valley St. C.	0	1	1
Fresno St. U.	0	1	1
Furman U.	0	2	2
U. of Georgia	9	21	30
Georgia Inst. of Technology	15	12	27
Grambling St. U.	1	7	8
Harvard U.	0	22	22
U. of Hawaii	0	2	2
C. of Holy Cross	2	8	10
U. of Houston	6	10	16
U. of Idaho	0	4	4
Idaho St. U.	0	2	2
U. of Illinois	6	25	31
Indiana U.	0	12	12
Indiana St. U.	0	1	1
U. of Iowa	10	16	26
Iowa St. U.	0	8	8
Jackson St. U.	0	3	3
U. of Kansas	2	13	15
Kansas St. U.	0	5	5
Kent St. U.	0	5	5
U. of Kentucky	1	7	8
Louisiana St. U.	9	20	29
Louisiana Tech. U.	0	1	1
U. of Louisville	0	2	2
U. of Maryland	5	13	18
U. of Massachusetts	0	5	5
McNeese St. U.	0	2	2
Memphis St. U.	0	2	2
U. of Miami	11	12	23
Miami U. (Ohio)	0	3	3
U. of Michigan	27	22	49
Michigan St. U.	17	22	39
U. of Minnesota	9	23	32
U. of Mississippi	6	17	23
Mississippi St. U.	1	4	5
Mississippi Valley St. U.	0	2	2
U. of Missouri	9	22	31
U. of Montana	0	2	2
Morehead St. U.	0	1	1
Morgan St. U.	1	0	1
Murray St. U.	0	1	1
U. of Nebraska	20	17	37
U. of Nevada Las Vegas	0	1	1
Reno	0	1	1
U. of New Mexico	0	10	10
New Mexico St. U.	0	3	3
St. U. of New York Buffalo †	0	1	1
U. of North Carolina	2	25	27
North Carolina St. U.	1	17	18
N.E. Louisiana U.	0	1	1
N. Texas St. U.	0	2	2
N. Arizona U.	0	1	1
Northwestern U.	5	14	19
N.W. St. U. of Louisiana	0	1	1
U. of Notre Dame	38	24	62
U. of Ohio	0	5	5
Ohio St. U.	24	27	51
U. of Oklahoma	28	22	50
Oklahoma St. U.	1	6	7
U. of Oregon	3	17	20
Oregon St. U.	2	11	13
Pacific U.	0	1	1
U. of Pennsylvania	1	3	4
Pennsylvania St. U.	19	23	42
U. of Pittsburgh	19	15	34
Princeton U.	1	12	13
Purdue U.	8	25	33
Rice U.	2	11	13
U. of Richmond	0	2	2
Rutgers U.	0	2	2
San Diego St. U.	1	5	6
San Jose St. U.	0	10	10
U. of South Carolina	1	11	12
South Carolina St. U.	0	2	2
U. of S. California	34	19	53
S. Methodist U.	5	20	25
U. of S. Mississippi	0	3	3
U. of S.W. Louisiana	0	2	2
Stanford U.	10	25	35
Syracuse U.	5	19	24
Temple U.	0	1	1
U. of Tennessee Chattanooga	0	2	2
U. of Tennessee Knoxville	8	16	24
Tennessee St. U.	0	2	2
U. of Texas	34	23	57
Texas A&M U.	17	19	36
Texas Christian U.	2	7	9
Texas Southern U.	0	1	1
Texas Tech U.	4	18	22
U. of Toledo	0	3	3
Tulane U.	0	6	6
U. of Tulsa	1	9	10
U.S. Air Force Acad.	4	16	20
U.S. Military Acad.	30	15	45
U.S. Naval Acad.	30	15	45
U. of Utah	1	7	8
Utah St. U.	0	7	7
Vanderbilt U.	1	2	3
Villanova U. ‡	0	3	3
U. of Virginia	0	2	2
Virginia Military Inst.	0	5	5
Va. Polytechnic Inst.	0	7	7
Wake Forest U.	0	7	7
U. of Washington	6	27	33
Washington St. U.	1	15	16
W. Texas St. U.	0	2	2
U. of West Virginia	0	7	7
W. Carolina U.	0	1	1
W. Kentucky U.	0	1	1
W. Michigan U.	0	1	1
Wichita St. U.	0	3	3
C. of William & Mary	0	2	2
U. of Wisconsin	4	20	24
U. of Wyoming	0	14	14
Yale U.	1	19	20

* Dropped football after 1970 season.
† Dropped football after 1960 season.
‡ Dropped football after 1980 season.

SOURCE: NATIONAL COLLEGIATE ATHLETIC ASSOCIATION